

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DENNIS M. BROWN
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DEPARTMENT OF LAW

August 14, 2017

Magistrate Judge Arlene R. Lindsay
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, New York 11722-4451

Re: Vladimir Aristilde v. Suffolk County Police Department
Docket No.: 16-cv-1091

Dear Magistrate Lindsay:

The undersigned represents the County defendants on the above captioned matter. I am writing the Court to provide an update on the status of discovery, which closes today, August 14, 2017, and to request a conference with the Court for the purpose of filing a motion pursuant to F.R.C.P. 37 or 41(b) based upon plaintiff's willful failure to comply with discovery and prosecute the action.

Defendants served upon plaintiff a demand for documents and interrogatories on or about May 3, 2017. To date, no response has been received. I had contacted the Plaintiff's attorney, both by telephone and in emails, and he advised that he was still conferring with his client and would supply the answers, forthcoming. Additionally, counsel had verbally requested certain documents from Defendants, which we supplied in an effort to convince counsel to withdraw the lawsuit.

Two weeks ago I reached out to Mr. Henry to advise that I would be compelled to move to compel his production of discovery if the lawsuit were to proceed. We agreed to talk again, and we did thereafter. Last week, I left one telephone message and two e-mail messages. To date there is no response, and discovery closes today.

The undersigned respectfully requests a conference with the Court and counsel to discuss the County's options going forward, specifically, to file with the Court a motion pursuant to F.R.C.P. 37, to compel the production of discovery, and/or 41(b) for failure to prosecute. Due to my schedule, I respectfully request that the conference be scheduled for any date on or after August 21, 2017.

Letter to Magistrate Lindsay

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The undersigned wishes to thank the Court in advance for its consideration of this request.

Respectfully submitted,

Dennis M. Brown

County Attorney

Megan O'Donnell

By: Megan O'Donnell

Assistant County Attorney

CC: All counsel of record, via ECF